

AFFIDAVIT

I, Special Agent Anthony Fry, being first duly sworn, hereby depose and state as follows:

1. I make this Affidavit in support of the United States' Response to Defendant Charles Vaccaro's Motion for Release of Assets Seized Pretrial. (1:20-CR-392, R. 198).
2. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since September 2018. I am currently assigned to an FBI squad which investigates securities fraud, wire fraud, and other financial crimes. During my tenure with the FBI, I have participated in financial fraud investigations involving stock market manipulation and other illegal manipulative trading schemes. I have participated in all aspects of such investigations including executing search warrants, debriefing defendants and informants, interviewing witnesses, and reviewing and analyzing recorded interstate telephone conversations. I have been involved in the financial fraud investigation of Charles Vaccaro since approximately May 2019.
3. The facts in this Affidavit come from my personal observations, my involvement in the financial fraud investigation of Charles Vaccaro, my training and experience, and information obtained from other agents and witnesses.

The Watercraft Known as C Weed II – Now Known as Marchese Yacht

4. On or about August 23, 2019, C-Weed International Yacht Charters LLC was incorporated as a Florida Limited Liability Company, with its principal place of business as 18555 Collins Avenue, Apt. 4301, Sunny Isles, Florida 33160 - which was then VACCARO's address. Sheril Feldman, VACCARO's girlfriend, was listed as the registered agent of the company. VACCARO and Feldman were both identified as the authorized persons to manage and control the company.

5. On or about August 29, 2019, VACCARO and Feldman opened a bank account at JP Morgan Chase Bank in the name of C-Weed International Yacht Charters LLC ending in x9032. VACCARO and Feldman were the signatories listed on the account, which also used the 18555 Collins Avenue address. VACCARO's telephone number, 516.474.xxxx, was listed on the account.

6. Between August 29, 2019, and September 9, 2019, approximately \$300,000.00 was deposited into the C-Weed International Yacht Charters LLC account ending in x9032. The approximately \$300,000.00 deposited consisted of the following:

a. On August 29, 2019, VACCARO executed an internal bank transfer from Sunny Isles Capital LLC JP Morgan Chase Bank account x1370 to C-Weed International Yacht Charters LLC JP Morgan Chase Bank account x9032 in the amount of \$150,000.00.

b. On September 4, 2019, Feldman executed an internal bank transfer from a Sheril Feldman JP Morgan Chase account ending in x8765 to C-Weed International Yacht Charters LLC JP Morgan Chase Bank account x9032 in the amount of \$150,000.00.

7. On September 9, 2019, withdrawals of \$97,500.00 from the C-Weed International Yacht Charters LLC JP Morgan Chase Account x9032 were made in two separate cashier's checks to purchase the subject watercraft, a 1984 Magnum Marine 53', Hull ID Number: MAG530270682, Vessel Official Number: D671092. The watercraft was titled to C-Weed International Yacht Charters LLC and named C-Weed II. The two separate cashier's checks were as follows:

a. On September 9, 2019, cashier's check # 9822826285 in the amount of \$87,500.00 made payable to Guy Lamotta for the purchase of the subject watercraft.

b. On September 9, 2019, cashier's check # 9822826286 in the amount of \$10,000.00 made payable to Lamotta Enterprise LTD for the purchase of the subject watercraft.

8. FBI Agents interviewed Patrick Fay, the nephew of Guy Lamotta, on October 27, 2021. Fay was the operator of Manhasset Bay Marina, the business previously owned by Guy Lamotta. Fay has operated the business since Lamotta's death. Fay confirmed that VACCARO directly purchased the subject watercraft from Lamotta and had the watercraft transported to Florida. VACCARO informed Fay that the subject watercraft was purchased by VACCARO with the intent to refurbish the watercraft and use it as a charter boat on the intercoastal waterway.

9. After the purchase of the subject vessel, the balance of C-Weed International Yacht Charters LLC account x9032 on September 10, 2019, was \$202,500.00. From September 10, 2019 to September 2020, approximately another \$732,705.00 was deposited into the bank account, of which \$705,000.00 - or 96.2% - was from VACCARO. Below is a summary of the inflows into the account:

a. From February 2020 to July 2020, VACCARO wired \$690,000.00 from C-Weed Yacht Charter LLC Suntrust bank account ending in x0005 that was controlled by VACCARO.

b. In May 2020, Sheril Feldman wired \$25,000.00 into the bank account from a personal account.

c. In April 2020, VACCARO wired \$15,000.00 from Sunny Isles Capital LLC Suntrust bank account ending in x6999 that was controlled by VACCARO.

d. From August 2020 to September 2020, the bank account received \$2,705.00 from other sources.

10. From September 2019 to September 2020 - through a combination of wires, checks, and debit card transactions - C-Weed International Yacht Charters LLC account x9032 paid approximately \$412,027.76 to boat and marine related businesses for the improvement and operation of the subject watercraft.

11. On April 22, 2022, Feldman signed an Articles of Amendment to the Articles of Organization, changing the name of C-Weed International Yacht Charters, LLC to Marchese Yacht Charters, LLC. Also included in the amendment was the removal of VACCARO as an authorized member of the company. The effective date of the amendment was March 1, 2022. At some time prior to April 22, 2022, the name of the subject vessel was changed from C-Weed II to Marchese Yacht.

Continued Operation of Marchese Yacht Charter.

12. Based on the bank statements for VACCARO's TD Bank account - provided in the December 15, 2022, Motion for Release of Assets Pretrial (R. 198) - VACCARO received a \$1,185.00 wire transfer from Yachtlife Technologies Inc ("Yachtlife"). Yachtlife is an online platform and mobile app that allows the public to charter or purchase luxury yachts. As of January 5, 2023, MARCHESE YACHT was listed on Yachtlife, available for charter for \$1,900.00 for 4 hours, \$2,500.00 for 8 hours, and \$15,000.00 per week.¹

13. MARCHESE YACHT also is listed on the website BoatSetter.com for charter, advertised as "Rent this 60' Sport Yacht in Fort Lauderdale!".² On the listing for MARCHESE YACHT, the yacht is listed as owned by "Charlie 5.0 (3 ratings)". MARCHESE YACHT is

¹ <https://www.yachtlife.com/charter/yachts/fort-lauderdale/fort-lauderdale-53-magnum> (Viewed on January 5, 2023)

² <https://www.boatsetter.com/boats/sdqffgg> (Viewed on January 5, 2023)

available for charter for 4 hours at a rate of \$1,450.00 excluding fees, or for 6 hours for \$2,100.00 excluding fees. BoatSetter contains several ratings and reviews of the charters of MARCHESE YACHT, which appear to identify VACCARO ("Charlie") as operating the charter:

- a. A review from November 2022 states: "I had a great time! Charlie was very helpful and accommodating. I would definitely book again. I booked for my girlfriend's 30th birthday and she had an amazing time."
- b. Another review from August 2022: "Could not have had a better experience. The boat, which was a head turner everywhere we went, was in great shape, and the design is perfect if you like to get lots of sun (although if you don't, you can stay out of the sun under the bimini top). The Captain (Charlie) and Mate (Fabricio) were super nice and accommodating. Definitely my go to charter in South Florida."

Marchese Yacht Remains Listed for Sale

14. As of January 5, 2023, MARCHESE YACHT was listed for sale through Denison Yacht Sales for \$599,000.00. The listing through Denison has been active since approximately October 19, 2022.³

Respectfully submitted,



Anthony Fry, Special Agent
Federal Bureau of Investigation

³ <https://www.denisonyachtsales.com/yacht-listings/broker/53-Magnum-1984-Fort-Lauderdale-Florida/2793707>
(Viewed on January 5, 2023)